

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2952 of 1995

Between:

- 1 B.Yadagiri Reddy S/o.Malla Reddy
Occ: Junior Assistant, Addl. Dist. & Session Court, Nalgonda.
- 2 V.Bhishak Reddy S/o. V.R.Laxman Reddy,
Occ: Typist, Chief Judicial Magistrate (Addl. Dist & Sessios Court)
Nalgonda
- 3 M.J.Palicor S/o. M.Jeevarathnam
Occ: Junior Asst., Addl. Dist. & Session Court Nalgonda
- 4 K.Shankaraiah S/o. Narsaiah,
Occ: Typist, Sub Court, Nalgonda
- 5 T.Soma Laxmi D/o.Guruvaiah
Occ: Head Clerk, Sub Court, Suryapet
- 6 Md.Ghouse Ali S/o. Md.Mahaboob Ali
Occ: UDC., Sub Court, Bhongir
- 7 V.Narsimha Chary, S/o.Singara Chary,
Occ: Junior Assistant, Sub Court, Bhongir.
- 8 G.Panduranga Rao S/o. Sathaiah,
Occ: Junior Asistant, (Spl.Judicial IInd Class Magistrate Court Bhongir)
under the control of Prl.Dist. Magistrate, Bhongir
- 9 G.Narsimha Rao S/o. Sathaiah
Occ: Typist, Sub Court, Bhongir.
- 10 B.Yadagiri S/o.Narsimulu,
Occ: Junior Assistant, Sub Court, Bhongir
- 11 M.A.Hafeez, S/o.M.A.Quadeer
Occ: Junior Assistant, M.M.Court, Ramannapet.
- 12 D.Sudheer Kumar S/o.Machaiah
Occ: Typist, Addl. M.M.Court Bhongir Under the control of P.D.M.Bhongir
- 13 D.Shankaraiah S/o. Sathaiah,
Occ: Typist, M.M.Court, Ramannapet
- 14 Ch.Venkateswar Rao S/o.Seshagiri Rao,
Occ: Junior Assistant, M.M.Court, Suryapet
- 15 M.A.Shakeel S/o.M.A.Jaleel

Occ: Typist, Sub Court, Miryalaguda
16 M.A.Rabbani s/o.Q.M.A.Rabbani
Occ: Typist, Sub Court, Suryapet

..... PETITIONER(S)

AND

- 1 The State of A.P. rep.by the Secretary
Fin. & Plg. Dept., Hyderabad.
- 2 The Dist. and Sessions Judge,
Nalgonda .
- 3 The Dist. Treasury Officer,
Nalgonda.
- 4 The Sub-Treasury Officer, Bhongir
Nalgonda District.
- 5 The Sub-Treasury Officer,
Ramannapet, Nalgonda District.
- 6 The Sub Treasury Officer,
Suryapet, Nalgonda District .
- 7 The Sub Treasury Officer,
Miryalaguda, Nalgonda District.
- 8 The Registrar, High Court of A.P.,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of mandamus declaring that the petitioners herein are entitled for special pay from the date of their appointment as copyists till they are promoted as per GO.Ms.No.311, Dt.1/9/1977 @ Rs.10/- for lower grade and Rs.15/- for higher grade and as revised from time to time and they are also entitled for one advance increment on their obtaining graduate degree in their scale of pay and to pass any other direction or writ which this Hon'ble Court deems fit under the circumstances of the case.

Counsel for the Petitioners:MR.A.ABHISHEK REDDY

Counsel for the Respondent No.1: GP FOR FINANCE & PLANNING

Counsel for the Respondents 2 to 8: Smt. M. Bhaskara Lakshmi

The Court made the following :

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION No. 2952 of 1995

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ORAL ORDER: (per Sri Devinder Gupta, CJ)

Petitioners who were appointed as Copyists filed this petition seeking direction that they are entitled to Special Pay from the date of their appointment as Copyists till they are promoted, as per G.O. Ms. No.311, dated 1.9.1977 at Rs.10/- for Lower Grade and Rs.15/- for Higher Grade and as revised from time to time and they are also entitled for one advance increment on their obtaining graduate degree in their scale of pay.

Petitioners relied upon G.O. Ms. No.311, dated 1.9.1977 for Special Pay and on G.O. Ms. No.114, dated 4.4.1980 for advance increment, being Graduates.

In the counter affidavit filed by the District and Sessions Judge, Nalgonda, the claim of the petitioners was rejected by saying that since the petitioners were appointed as Copyists, they are not entitled to the benefit of Special Pay or of G.O. Ms. No.311, dated 1.9.1977. Counter affidavit further states that the petitioners were appointed as Copyists and as the post of Copyist is lower than that of Junior Assistant/Typist and Steno Typist, the writ petition deserves to be dismissed.

The writ petitioners had made reference to the judgment of this Court dated 16.4.1990, passed in Writ petition No.12600 of 1988, wherein it was held that Copyists as well as Typists are entitled to the benefit of Special Pay for acquiring the qualification of Typewriting and one advance increment for being Graduates and subsequent to passing of the said judgment, the Government issued G.O. Rt. No. 3267 Home (Courts-D) Department, dated 18.12.1990 giving benefit of the said judgment to the writ petitioners therein and not to the present petitioners.

Our attention has been drawn to another judgment in Writ Petition No.4055 of 1992, which was filed for similar reliefs, wherein also the Copyists and Typists working in the Unit of District Judge, Nalgonda, were seeking relief of payment of advance increment on their obtaining Graduate Degree and of Special Pay in terms of various G.Os. issued in that regard. The said writ petition was decided when it was brought to the notice of the Court that as regards Special Pay, the same had been abolished after 1993 and therefore the petitioners therein were not entitled for the same. For the self-same reasons, we also hold that the petitioners herein are also not entitled to Special Pay.

As regards advance increment, the decision in Writ petition No.12600/1988 had become final and was implemented by the Government by giving benefit to

certain categories of High Court staff vide G.O. Rt. No.3267 Home (Courts-D), dated 18.12.18990. In view of the said G.O., such of the petitioners who have acquired Graduate qualification will be entitled to get advance increment.

The writ petition is accordingly disposed of by declaring that the petitioners who had acquired Graduation qualification as per G.O. Rt. No.3267, Home (Courts-D) Department, dated 18.12.1990 will be entitled to the benefit of advance increment only.

DEVINDER GUPTA, CJ

Date: 6th October, 2004

C.V.RAMULU,J

Pnb

To

- 1 The Secretary
Fin. & Plg. Dept., The State of A.P., Hyderabad.
- 2 The District and Sessions Judge,
Nalgonda .
- 3 The District Treasury Officer,
Nalgonda.
- 4 The Sub-Treasury Officer, Bhongir
Nalgonda District.
- 5 The Sub-Treasury Officer,
Ramannapet, Nalgonda District.
- 6 The Sub-Treasury Officer,
Suryapet, Nalgonda District .
- 7 The Sub-Treasury Officer,
Miryalaguda, Nalgonda District.
- 8 The Registrar, (Administration), High Court of A.P.,
Hyderabad.
- 9 Two Ccs. to the Government Pleader for Finance & Planning, High Court
Buildings, Hyderabad. (OUT).
10. Two CD copies